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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,071

02/11/2004

Ronald A. Dingman

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08/28/2006

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EXAMINER

OLSON, MARGARET LINNEA

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,071

Applicant(s)

DINGMAN ET AL.

Examiner

Margaret L. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because the labels on Figures 7 and 8 have been reversed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: In paragraphs 8 (page 3) and 24 (page 4), it is not clear how the instant pocket is “configured to hold an individual”.

Appropriate correction is required.

Claim Objections

1. Claim 15 is objected to because of the following informalities: the “means for holding” is claimed twice, in the second line of the claim and in the second to last and last lines of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis (US 3,105,359). Ellis discloses an apparatus 10 configured to be worn on the torso of an individual (figure 3) with jacket 12 and straps 14, 16, 18, 20, 22, and 23 holding the apparatus to the torso, and pocket 28 attached to the jacket 12 (figure 1). The pocket

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28 includes an inner side attached the jacket 12, an opening at the bottom of the pocket, and a flap for covering the opening that can be opened away from the torso (figure 2).

With respect to claim 2, The apparatus 10 comprises a vest 12 and a backpack portion 24.

With respect to claim 3, the backpack pocket portion 24 has an opening at the top.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US 5,060,314). Lewis discloses an apparatus 10 to be worn on the torso of an individual with panels 12, 14, and 16 connected together to hold the apparatus on the torso (figure 4). Hook and loop attachment 74a is meant to attach the inner side of pocket 74 with flap closure 74b, opening away from the torso, to the apparatus 10 (figure 5). Flap closure 74b includes a tab which can be pulled to releaseably close the flap.

With respect to claim 6, Flap closure 74b includes a tab which can be pulled as a handle to releaseably close the flap.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Young (US 6,015,072). Ellis discloses the apparatus with a pocket including an outer side opposite the means for holding the pocket 28 to the structure, and a left and right side forming a substantially rectangular holding area (figure 1). Ellis does not disclose a means for releasably attaching the flap to the left and right side. Young teaches a pocket 12 with a side attached to an apparatus (figure 4), outer, left, and right sides forming a substantially rectangular holding area, with two zippers 84 for selectively, releasably attaching the left or right side to the top flap. It would have been obvious to one of ordinary skill in the art at the time of invention to include a method for releasably attaching the pocket flap to left and right sides of the pocket, in order to control the size of the pocket opening.

With respect to claim 15, Ellis discloses the apparatus held to the torso, an attached pocket 28 with a bottom opening, outer, left, and right pocket sides forming a substantially rectangular holding area, and a flap for covering the opening (figure 1). Ellis also discloses snaps 34 for releasably attaching the flap to the outer edge of the pocket, but does not disclose a means for releasably attaching the flap to the left and right sides. Young teaches a pocket 12 with a side attached to an apparatus (figure 4), outer, left, and right sides forming a substantially rectangular holding area, with two zippers 84 for selectively, releasably attaching the left, right, and outer side to the top flap. It would have been obvious to one of ordinary skill in the art at the time of invention to include a method for releasably attaching the pocket flap to left, right, and outer sides of the pocket, in order to control the size of the pocket opening.

With respect to claim 20, the primary reference includes a second bottom-opening pocket 24 with a covering flap 42 and an opening at the top of the same pocket (figure 2). It would have been obvious to one of ordinary skill in the art at the time of invention to combine pockets 24 and 28 by including a top opening in pocket 28 for greater versatility and usefulness.

6. Claims 5, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Kearl (US 6,193,118). Ellis discloses the apparatus but does not disclose a means for adjustably configuring a horizontal area of the pocket 28. Kearl teaches a drawstring 50 for selectively configuring the horizontal opening of a pocket 44 attached to a torso-carried apparatus. It would have been obvious to one of ordinary skill in the art at the time of invention to include a method for selectively configuring the horizontal area of the pocket to control to size of the pocket opening.

With respect to claim 8, Ellis discloses the apparatus held to the torso, an attached pocket 28 with a bottom opening, and a releasable flap, but does not disclose a means for adjustably configuring a horizontal area of the pocket. Kearl teaches a drawstring 50 for selectively configuring the horizontal opening of a pocket 44 attached to a torso-carried apparatus. It would have been obvious to one of ordinary skill in the art at the time of invention to include a method for selectively configuring the horizontal area of the pocket in order to control to size of the pocket opening.

With respect to claim 11, the primary reference discloses the apparatus 10 including a vest 12 and a backpack portion 24.

With regard to claim 12, Ellis does not disclose an adjustable strap. Kearl teaches the drawstring 50, which is a strap, adjustable by a fastener, as shown in Figure 2. It would have been obvious to one of ordinary skill in the art at the time of invention to include an adjustable strap for selectively configuring the horizontal area of the pocket to control to size of the pocket opening.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Rakow (US 3,849,804). Ellis discloses the bottom-opening pocket 28 attached to the apparatus, but does not disclose a reflector strip or a means for selectively exposing a reflector strip. Rakow teaches reflector strips 78 enclosed in pocket 74 that can be selectively revealed by inverting the pocket (column 4 lines 60-62). It would have been obvious to one of ordinary skill in the art at the time of invention to include a means for selectively exposing reflector strips involving an invertible pocket with reflective strips on a torso-attached pocket, in order to allow the user a choice between stealth and high visibility in low-light conditions.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Kearl (US 6,193,118) as applied in paragraph 6, and further in view of Roh (US 6,283,347). Ellis as combined with Kearl does not disclose a flap permanently attached to the side of the pocket opposite the holding system. Roh teaches a bag with a large pocket secured to the user's torso (figure 1) with a flap 316 permanently attached to the side of the pocket opposite the torso holding means (figure 7A). It would have been obvious to one of ordinary skill in the art at the time of

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invention to place a pocket-covering flap opposite the torso holding means in order to allow the pocket to be easily accessed from certain angles.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Kearl (US 6,193,118) as applied in paragraph 6 above, and further in view of Echeverri (US 5,816,563). Ellis as modified discloses the structure of a bottom-opening pocket with a releasably attaching flap, but does not disclose the flap attaching to at least three locations. Echeverri teaches a pocket 32 with a closure flap 30 releasably attaching to the outer wall with three sets of mating hook and loop fasteners (column 4, lines 27-31). It would have been obvious to one of ordinary skill in the art at the time of invention to releasably attach the flap to the pocket in several different places to control pocket access.

10. Claims 8, 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Woods (US 6,029,877). Ellis discloses the apparatus held to the torso, an attached pocket 28 with a bottom opening, and a releasable flap, but does not disclose a means for adjustably configuring a horizontal area of the pocket. Woods teaches a pocket 2 with straps 4 for attachment to a torso, selectively closable cover flap 3, and two side walls 10, 11 with adjustable straps 30, 31 for selectively configuring the pocket sides (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to include an adjustment system on a pocket in order to adjust the pocket size to better secure the contents.

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With respect to claim 12, Ellis does not disclose a strap adjustment system for configuring the area of the pocket. Woods teaches a pocket 2 with adjustable straps 30, 31 for selectively configuring the pocket sides (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to include at least one strap on a pocket as a known method of adjustably sizing the pocket to better secure the contents.

With respect to claim 13, Ellis does not disclose an adjustable strap for configuring each side of the pocket. Woods teaches a pocket 2 with adjustable straps 30, 31, on the right and left side walls 10 and 11, so that the size of the sides may be adjustably configured. It would have been obvious to one of ordinary skill in the art at the time of invention to include an adjustable strap for configuring just one side of a, pocket in order to allow multiple ways to adjust the pocket size to better secure the contents.

With respect to claim 14, Ellis does not disclose the pocket 28 on the holding system configured to be located on the back of the torso. Woods teaches the pocket 2 mounted on the straps 4 in a manner such that the pocket is located on the back of the torso (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to secure a pocket on the back of the torso to increase the comfort of the user.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Young (US 6,015,072) as applied in paragraph 5 above, and further in view of Woods. Ellis as modified by Young discloses the apparatus held to

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the torso, an attached pocket 28 with a bottom opening, a cover flap, and means for releasably attaching the flap to the left, right, and outer pocket sides, but does not disclose a means for adjustably configuring a horizontal area of the pocket. Woods teaches a pocket 2 with straps 4 for attachment to a torso, selectively closable cover flap 3, and two side walls 10, 11 with adjustable straps 30, 31 for selectively configuring the pocket area (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to include an adjustable strap on a pocket in order to adjust the pocket size to better secure the contents.

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Young (US 6,015,072) as applied in paragraph 5 above, and further in view of Roh (US 6,283,347). Ellis as modified by Young discloses the apparatus held to the torso, an attached pocket 28 with a bottom opening, inner, left, and right sides, a cover flap, and means for releasably attaching the flap, but does not disclose the flap permanently attached to the outer pocket side. Roh teaches a bag with a large pocket secured to the user's torso (figure 1) with a flap 316 permanently attached to the side of the pocket opposite the torso holding means (figure 7A). Zipper 314 allows the pocket flap 316 to be releasably attached to the left, right, and inner pocket sides. It would have been obvious to one of ordinary skill in the art at the time of invention to place a pocket-covering flap opposite the torso holding means and provide means for releasably connecting it to the other sides of the pocket in order to allow the pocket to be easily accessed from certain angles, and secured when necessary.

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13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Young (US 6,015,072) as applied in paragraph 5 above, and further in view of Echeverri (US 5,816,563). Ellis as modified by Young discloses the apparatus held to the torso, an attached pocket 28 with a bottom opening, a cover flap, and means for releasably attaching the flap to the left, right, and outer pocket sides, but does not disclose the use of hook and loop fasteners to releasably attach the cover flap. Echeverri teaches a pocket 32 with a closure flap 30 releasably attaching to the outer wall with three sets of mating hook and loop fasteners (column 4, lines 27-31). It would have been obvious to one of ordinary skill in the art at the time of invention to use hook and loop fasteners to secure pocket flaps, as a well-known type of releasable fastener.

14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 3,105,359) in view of Young (US 6,015,072) as applied in paragraph 5 above, and further in view of Crispin (US 5,465,425). Ellis as modified by Young discloses the apparatus held to the torso, an attached pocket 28 with a bottom opening, a cover flap, and means for releasably attaching the flap to the left, right, and outer pocket sides, but does not disclose the pocket 28 releasably attached to the means for holding the apparatus on the torso. Crispin teaches a vest 12 with releasably attached pockets 34, 36 that may be removed or repositioned with various types of releasable fasteners (column 4, lines 45-64). These pockets may also be positioned on the vest so that they open at the bottom. It would have been obvious to one of ordinary skill in the art at the time of invention to releasably attach a pocket to a means for holding it to a torso, so that the pocket may be rearranged or reoriented for greater usefulness.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carter (US 1,739,289), Utterback (US 824,160), and Kalaam et al. (US 4,959,876) disclose similar inventions.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER